



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,209	09/28/2005	Denise M. Baker	2006.0260001/EKS/PAC	8322

50710 7590 12/11/2008  
STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.  
1100 NEW YORK AVE.  
WASHINGTON, DC 20005

EXAMINER
----------

DIBRINO, MARIANNE NMN

ART UNIT	PAPER NUMBER
----------	--------------

1644

MAIL DATE	DELIVERY MODE
-----------	---------------

12/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address : COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10551209	9/28/05	BAKER ET AL.	2006.0260001/EKS/PAC

STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.  
1100 NEW YORK AVE.  
WASHINGTON, DC 20005

EXAMINER

DiBrino Marianne

ART UNIT	PAPER
----------	-------

1644	20081205A
------	-----------

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The communication filed on 9/29/08 is not fully responsive to the communication mailed 3/28/08 for the following reason: Although Applicant has elected "(i) identifying from a particular antigen of a particular infectious agent variants of a Class I MHC peptide epitope" Applicant has not elected a particular method step of identifying, such as for example, variants of a peptide epitope 8-11 amino acid residues in length, each variant comprising primary anchor residues of the same HLA class I binding motif, nor has Applicant elected other method steps. There is no pending claim that just recites the step of identifying with regard to anchor residues. For example, another method step may be determining or identifying the nature of the non-anchor residues in each variant as per "(ii)" in the communication mailed 3/28/08. Further method steps may be a "choosing" step as per the alternatives listed in "(iii)", and/or a further identifying step as per "(iv)".

Since the response appears to be **bona fide**, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner **Marianne DiBrino**, Art Unit **1644**, whose telephone number is **571-272-0842**.

Marianne DiBrino, Ph.D.

/G.R. Ewoldt/  
Primary Examiner, Art Unit 1644